

AMENDED IN ASSEMBLY APRIL 11, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1599

**Introduced by Assembly Members Feuer and Fong
(Principal coauthor: Assembly Member Eng)
(Coauthors: Assembly Members Cedillo and Dickinson)**

February 6, 2012

An act to add Section 2923.3 to the Civil Code, relating to mortgages.

LEGISLATIVE COUNSEL'S DIGEST

AB 1599, as amended, Feuer. Mortgages and deeds of trust: foreclosure: languages.

Existing law requires that, upon a breach of the obligation of a mortgage or transfer of an interest in property, the mortgagee, trustee, or beneficiary record a notice of default in the office of the county recorder where the mortgaged or trust property is situated and mail the notice of default to the mortgagor or trustor. Existing law specifies other requirements and procedures for completion of a foreclosure sale. Existing law requires, under specified circumstances, that a summary of mortgage terms be provided to the borrower in one of 5 specified languages.

This bill would require a mortgagee, trustee, beneficiary, or authorized agent to provide ~~all documents to a mortgagor or trustor relating to a delinquency, default, loan modification, foreclosure proceeding, or foreclosure sale concerning that mortgage or deed of trust in the primary language spoken by~~ to the mortgagor or trustor *a summary of the notice of default, attached to a copy of the recorded notice of default, and a summary of the notice of sale, attached to the copy of the recorded notice of sale, in English and those 5 specified languages. The bill*

would require the Department of Real Estate, contingent upon sufficient private funding, to provide a standard summary translation of a notice of default and a notice of sale in those languages, and to make those documents available without charge on its Internet Web site. The bill would provide that any mortgagee, trustee, beneficiary, or authorized agent who uses the department summary translation shall not be liable for errors in translation.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2923.3 is added to the Civil Code, to read:
2 2923.3. (a) A mortgagee, trustee, beneficiary, or authorized
3 agent shall provide to the mortgagor or trustor a summary of the
4 notice of default, attached to a copy of the recorded notice of
5 default, and a summary of the notice of sale, attached to the copy
6 of the recorded notice of sale, in English and the languages
7 described in Section 1632.
8 (b) The Department of Real Estate shall provide a standard
9 summary translation of a notice of default and a notice of sale in
10 the languages described in Section 1632, and shall make those
11 documents available without charge on its Internet Web site. Any
12 mortgagee, trustee, beneficiary, or authorized agent who uses the
13 department summary translation shall not be liable for errors in
14 translation.
15 (c) Subdivision (b) shall only become operative if sufficient
16 private funds are provided to the Department of Real Estate for
17 this purpose. Posting of the documents on the department's Internet
18 Web site pursuant to subdivision (b) shall be deemed to be an
19 acknowledgment that sufficient funding has been obtained and
20 that subdivision (b) is operative.
21 ~~SECTION 1. Section 2923.3 is added to the Civil Code, to~~
22 ~~read:~~
23 ~~2923.3. A mortgagee, trustee, beneficiary, or authorized agent~~
24 ~~shall provide all documents that are required to be sent to the~~
25 ~~mortgagor or trustor related to a delinquency, default, loan~~
26 ~~modification, foreclosure proceeding, or foreclosure sale~~

- 1 concerning that mortgage or deed of trust in the primary language
- 2 spoken by the mortgagor or trustor.

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